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UNCLAS SECTION 01 OF 07 SINGAPORE 000631

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SUBJECT: SINGAPORE'S SUBMISSION FOR THE 2006 TIP REPORT:
PART II

REF: A. SINGAPORE 630

[B](#). STATE 3836

[C](#). SINGAPORE 470

[D](#). SINGAPORE 139

[E](#). 05 SINGAPORE 3614

[1](#). This is the second of three messages relaying Embassy Singapore's 2005 TIP submission. It covers the investigation and prosecution of traffickers.

INVESTIGATION AND PROSECUTION

[2](#). (SBU) A. Does the country have a law specifically prohibiting trafficking in persons--both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g., forced labor)? If so, what is the law? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including civil penalties, (e.g., civil forfeiture laws against illegal debt).

Singapore does have a law specifically prohibiting trafficking (Women's Charter section 141) as well as several other related laws. Combined, these statutes criminalize all forms of trafficking in persons as defined by the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons and the U.S. Trafficking Victims Protection Act. Many defendants are prosecutable for more than one offense under the laws described below; for persons convicted of more than two crimes, consecutive sentences are mandatory. A concrete example of this multiple-charging involved the perpetrators in the case of a 12-year old Malaysian girl forced to work as a prostitute; she was rescued in 2002, and the prosecutions occurred in 2003. One of her customers was convicted of rape, and a pimp of abetting the rape. Another three persons were charged with four offenses: abetting rape; procuring the girl as a prostitute; bringing her into Singapore for that purpose; and living off her earnings. All five received prison sentences ranging from 12 to 14 years, and four of the five were also caned.

Laws pertaining to trafficking offenses include:

Forced or coerced prostitution: In Singapore, it is illegal to use force or deceit to compel a person to go from any place for the purpose of wrongful confinement, slavery,

illicit intercourse or prostitution; the punishment is up to 10 years in prison, a fine, and caning (Penal Code 362-368). Procuring, trafficking, or bringing a woman or girl in or out of Singapore (for any reason other than a legal marriage or adoption) is illegal, and punishable by up to five years in prison and a SGD10,000 fine (Women's Charter 141). Receiving or harboring any woman or girl, if a person has reason to know she has been procured for prostitution, is illegal; the punishment is up to 5 years in prison and a SGD10,000 fine (Women's Charter 140). Facilitating or abetting the prostitution of any woman or girl is illegal; the punishment is up to five years in prison and a SGD 10,000 fine (Women's Charter 145). If the girl is under 16, the offender faces an additional charge carrying a punishment of 3 years in prison and a \$2,000 fine. Managing or assisting in the management of a place of assignation is illegal; being a tenant, lessee, occupier or otherwise in charge of a place used as a brothel is illegal; these crimes carry a penalty of up to five years in prison and a \$10,000 fine (Women's Charter 147-148). It is illegal to compel a person to do anything they are not legally bound to do through threats against them or any person they have an interest in; the punishment is up to seven years in prison and a fine (Penal Code 503-506). Aiding the commission of any of the above offenses (even if they take place abroad), through act or omission, is illegal (Penal Code 107-109), meaning that harboring, transporting, and detaining a person who is recruited/forced/coerced into prostitution is illegal, as is facilitating child sex tourism, and the punishments are the same as for the actual crime. Persons found guilty of involvement in any offense related to prostitution (for example, operating a place of assignation) can be required to forfeit or vacate any property found to be, in whole or in part, purchased with the proceeds of their crime.

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Prostitution of minors: Singapore prohibits the unlawful transfer, possession, custody or control of children and the importation of children by false pretenses; both offenses are punishable by up to four years in prison (Children and Young Persons Act 12). In addition, it is an offense for a person to commit or abet procuring any obscene or indecent act with a child or young person (under 14 and 16 respectively); the penalty is a prison term of up to two years and/or a substantial fine, which are both doubled for a second and subsequent offense (Children and Young Persons Act 7). It is illegal to buy, sell, hire, let for hire, or otherwise obtain or dispose of any person under 21 for the purpose of prostitution; the punishment is up to 10 years in prison, a fine, and caning (Penal Code 372-373). The government is currently drafting amendments to its laws that would raise the age of consent to 18 for commercial sex acts; changes are expected to be enacted by mid-2006.

Involuntary servitude: Slavery and dealing in slaves is illegal and punishable with up to 10 years in prison and a fine (Penal Code 370-371). Unlawfully compelling a person to labor against their will is an offense; the punishment is up to one year in prison and a fine (Penal Code 374). Wrongfully confining a person is illegal and is punishable with up to three years in prison and a fine (Penal Code 344); if the intention of the confinement is to keep them away from persons interested in their welfare, including public servants, the penalty can be increased by 2 additional years in jail. Using force or deceit to compel any person to go from any place for the purpose or wrongful confinement or slavery is illegal and punishable with up to 10 years in prison, a fine, and caning (Penal Code 362-368). It is illegal to compel a person to do anything they are not legally bound to do through threats against them or any person they have an interest in; the punishment is up to two years in prison and a fine (Penal Code 503-506). Aiding the commission of any of the above offenses, through act or omission, is illegal, and punishable with the same penalty as the crime itself (Penal Code 107-109).

1B. What are the penalties for traffickers of people for sexual exploitation? For traffickers of people for labor exploitation?

Per the answer in III.A, the penalties for traffickers of people for sexual exploitation are up to ten years in prison, a fine, and caning, which is the penalty in Singapore for almost all crimes involving grievous bodily hurt by dangerous weapons or means (including forcible assault, abduction, abetment of suicide, attempted murder, and homicide not amounting to culpable murder). Persons involved in serious crimes, including sex-trafficking, may also be forced to forfeit any property that can be considered, in whole or in part, a benefit of the crime. The penalty for forcible rape is up to 20 years in prison, a fine and caning; Singapore authorities have successfully used the statutes on rape and abetting or facilitating rape against traffickers.

The penalties for traffickers of people for labor exploitation include a maximum of ten years in prison, a fine and caning. Persons convicted of such crimes are also barred from hiring any foreigners in the future.

Multiple, serious offenders, having received two sentences for two or more years in prison, may also be sentenced to police supervision after their release, and some, after a third offense, can be sentenced to preventative detention.

1C. What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

See answer to section B.

1D. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

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Prostitution per se is not illegal. However, public solicitation is illegal and punishable with a fine. It also is illegal for third parties to live off the earnings of prostitutes, which is punishable with a fine or jail. Prosecutions for solicitation are rare and usually not aimed at the prostitute herself. The Embassy is aware of only one such prosecution in 2005, against a man who was soliciting on behalf of several women -- Such actions would more normally be prosecuted under Singapore's anti-pimping statute. Almost all sex workers in Singapore come from other countries and are in Singapore on a tourist or student visa. Entry into Singapore for the purpose of prostitution or pimping is not permitted, giving police legal grounds to detain and repatriate suspected foreign sex workers. From January to June 2005, authorities detained approximately 1700 foreign women as suspected sex workers. A few of these women were prosecuted for having overstayed their visas in Singapore, but most were simply expelled after screening for possible coercion and efforts to elicit cooperation as witnesses against vice operators. In addition, authorities can exclude from entry persons they believe may be entering to engage in prostitution; 540 foreign women were denied entry on these grounds between 2001-2003. (Note: Post will file updated text when it receives full year, detailed law enforcement and immigration statistics from MHA. End Note.)

The law allows authorities to detain for rehabilitation women and girls under the age of 21 who are suspected of

involvement in prostitution. Since 1999, official information is that only seven persons have been held under this clause. The cases were: four Cambodian girls determined to be 16-17 years old after medical examination (1999); one 18-year old Singaporean (2000); one 12-year old Malaysian (2002); and one 16-year old PRC girl (2002). All were placed in the Toa Payoh Girl's Home and given counseling; except for the Singaporean, all were prosecution witnesses against the vice operators.

The government does not currently regard 16- and 17-year old sex workers as "trafficking" victims if they have knowingly and willingly engaged in the trade. From a customer's standpoint, only consensual sex acts with girls under the age of 16 are illegal. Nevertheless, the government prosecutes third parties involved in their prostitution, when girls are willing to be prosecution witnesses. The government also has indicated that it will raise the age of consent for commercial sex acts to 18 in 2006. All homosexual acts of any kind are illegal, though prosecutions in recent years have been rare.

Operating a brothel and living off the earnings of a prostitute (pimping) are illegal. From January to November 2004, authorities prosecuted 4 pimps and 63 "vice abettors" (e.g., brothel operators). (Note: Post will file updated text when it receives full year, detailed law enforcement and immigration statistics from MHA. End Note.) In addition, third parties involved in the prostitution of girls under the age of 16 face enhanced penalties (see section III.A).

These legal structures are modified by the government's policy of "discretionary enforcement" in designated red light areas. After over 20 years of unsuccessful concerted efforts to stamp out prostitution in the 1960s and 1970s, the Government decided to allow some brothels to operate in designated areas. Cracking down on prostitution had forced the industry underground, leading to heavy involvement of organized criminal elements and high rates of sexually transmitted diseases. In exchange for the Government's toleration of their activities, "authorized" brothels must adhere to strict guidelines. Before commencing work, police interview each woman to ensure she is a voluntary participant in the sex trade. All the women must be at least 21 years old, go through explicit "safe sex" training, submit themselves to biweekly medical checkups, and carry a yellow "health" card. These sex workers may work only in the tolerated brothels, and may not solicit on the street or in other establishments.

1E. Has the government prosecuted any cases against traffickers? If so, provide numbers of arrests, indictments, convictions and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced: If no, why not? Please indicate whether the government can provide this information, and if

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not, why not? (Note: complete answers to this section are essential. End Note)

(Note: Post will send a cable with this when it receives full year, detailed law enforcement and immigration statistics from MHA at the end of the week. End Note.)

1F. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled (e.g. armed groups, terrorist organizations, judges, banks, etc.)

No known trafficking rings operate in Singapore. Government

officials are not involved in trafficking. Representatives of other diplomatic missions and NGOs have told us that whatever trafficking does occur is run by small, freelance operators based outside of Singapore. Major organized crime rings do not appear to be involved; some smaller rings have been discovered in the source countries but generally have only a few low-level persons physically in Singapore. For example, in 2005 a victim rescued in Singapore gave police information on a sex-trafficking ring that was sending women to Singapore; the traffickers were later arrested in Thailand. In another case, Police in Batam, Indonesia, discovered a ring of baby smugglers that was sending babies to couples in Singapore, but only one courier ever entered Singapore itself.

Embassy is not aware of any cases in which employment agencies, travel agencies or marriage brokers were involved in trafficking. The government closely monitors these agencies, which face severe penalties for helping people to violate Singapore's tough immigration laws. For example, travel agencies that repeatedly bring people to Singapore who do not leave when their visas expire are blacklisted by the government, are required to post a SGD 1,000 deposit on every one of their visitors, and face extended processing time for visas. In the first half of 2004, the government blacklisted six such tourist agencies. Employment agencies must be accredited, and are subjected to periodic audits and spot checks by Ministry of Manpower authorities. It would be difficult to use marriage agencies as a front for labor or sex trafficking, given Singapore's stringent immigration rules: obtaining permanent residence status for a foreign spouse is an arduous process that can take years and subjects the couple to close scrutiny by immigration officials. Marriages of convenience to obtain immigration status are illegal, and people who misuse their Singapore documents (passport and national identity card) to skirt immigration rules can be prosecuted for fraud and corruption, both of which carry heavy jail sentences and potential caning. The government has recently prosecuted a few marriage agents under Singapore's corruption statute. The Immigration and Checkpoints Authority is currently investigating how marriage agencies recruit foreign brides; one official told us that he GOS hopes to prosecute some pending cases soon.

1G. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

Yes, the government actively investigates trafficking. Police use informants, electronic surveillance, and active patrols to monitor the sex industry for coercion. Police and prosecutors say that they deal with any allegations of deception or coercion in the sex industry as priority cases, and NGOs say that "all" such tips that they pass to the police receive immediate attention. Authorities screen detained suspected sex workers (i.e., those not operating in the "tolerated" system) for possible cases of coercion, and also to ascertain the identity of "vice operators" involved and obtain prosecution witnesses against these third parties. Singapore Police are effective and equipped with broad

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powers. They use techniques such as electronic surveillance, informants, and undercover and covert operations. Prosecutors can recommend mitigated punishments for people who cooperate in a police investigation. They use these powers fully to investigate cases of alleged trafficking, report NGO representatives and other observers of the sex industry.

For labor cases, the Ministry of Manpower conducts spot checks on employers, has a hotline for domestic workers, and with the police investigates tips from the public as well as NGOs. In March 2005, for example, an NGO passed a tip from another foreign domestic worker about a confined, unpaid maid to police, who immediately worked with the NGO to rescue her.

NGOs involved in combating sex and labor trafficking and foreign embassy contacts say that all allegations of coercion or force that they bring to police attention are fully investigated, although they note that the women's stories are often vague and difficult to verify. NGO and consular officials affirm that they have no difficulty in getting the Police or Ministry of Manpower to respond to reports of trafficking or inquiries into ongoing investigations; NGO contacts also tell us that the police frequently seek them out for assistance with investigations and keep them abreast of their progress. One NGO contact said, "If I thought the police were not following through or doing their job, I would not hesitate to go to the press. I haven't had to do that yet."

1H. Does the government provide any specialized training for government officials in how to recognize, investigate and prosecute instances of trafficking?

Police and prosecutors are competent to recognize, investigate and prosecute trafficking-related offenses. Police have consulted with a local NGO on techniques for improving their interaction with victims. The Police coordinate with foreign police forces on specialized training on issues such as vice syndicates. Singapore also participates in training courses at the U.S. International Law Enforcement Academy in Bangkok, including courses on trafficking-related crimes.

1I. Does the government cooperate with other governments in investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

Yes. We are aware of two specific cases this year in which Singapore has undertaken a cooperative investigation of possible trafficking rings with Thai and Indonesian police (confirmed by the Thai and Indonesian police). The Singapore Police hold regular bilateral meetings with their Malaysian counterparts on trafficking and other transnational issues, and there are plans to expand these sessions to include Indonesia. In February 2005, Singapore and Indonesia restarted talks on an extradition treaty, which would improve cooperative law enforcement efforts on transnational crimes, including trafficking.

Singapore works closely with its ASEAN partners on trafficking, and exchanges police information on vice and people-smuggling syndicates with several Asian countries. ASEAN countries committed at their 2004 summit in Vientiane to do more to combat trafficking and exploitation, particularly of children. NGO contacts tell us that this is a strong motivator for the government, which has noticeably stepped up its anti-trafficking efforts in response to this political commitment.

The authorities also work with embassies of domestic-worker source countries (usually Indonesia or the Philippines) in investigating abuse allegations. All but one of our contacts from these Embassies say they are pleased with the cooperation and support they receive from the Ministry of Manpower and the police. The other contact says his Embassy chooses not to work with the police, and does not refer cases to the Singapore authorities. Singapore does not release the number or nature of cooperative international investigations it participates in.

Singapore authorities worked closely with their Malaysian counterparts in the case of the 12-year old girl who was

brought to Singapore for prostitution. They personally visited the family to assure her parents that she was safe and being well cared for. Eventually, they returned her safely to her village, after getting her testimony in the case against her traffickers.

Singapore actively participates in multilateral fora to combat TIP and people smuggling. Singaporean airport and immigration authorities allow U.S. DHS immigration officers ongoing access inside Changi airport's transit lounge, where they assist Singaporean authorities to prevent and address potential human trafficking, people smuggling, and immigration fraud cases.

1J. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

Singapore is not known to have received requests to extradite a trafficker. Singapore extradites its own nationals. Singapore law requires extraditions to be on the basis of a treaty, but the GOS is willing to deport non-Singaporeans into custody if there is no extradition treaty in existence.

1K. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is no evidence of government involvement in or tolerance of trafficking. The Singapore Government is virtually free of corruption. Penalties in the few isolated cases of government corruption and misconduct have been harsh.

1L. If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What actual sentence was imposed? Please provide specific numbers, if available.

Not applicable.

1M. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Do the country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

Men from Singapore do travel to the nearby Indonesian Riau islands, as well as other countries in the region for purposes of sex tourism. It is probable that some are engaging in child sex tourism -- one Indonesian NGO, Partnership in Health and Humanity Foundation (YMKK) estimates that 30 percent of sex workers in Batam are under 18. However, no estimates of the number of Singaporeans who are involved in child sex tourism are available.

The Singapore government acknowledges that it has a sex tourism problem and had drafted an amendment to its Penal Code that would allow the government to apply its statutes against child prostitution and rape to crimes committed overseas. The amendment is expected to be adopted in early 2006.

1N. Has the government signed and ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

-- ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

Singapore ratified ILO Convention 182 in June 2001.

-- ILO Convention 29 and 105 on forced or compulsory labor?

Singapore ratified Convention 29 in October 1965. It ratified Convention 105 the same month, but withdrew from it in April 1979.

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-- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography.

No.

-- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime.

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